



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SYNCORA GUARANTEE INC., formerly  
known as XL CAPITAL ASSURANCE INC.,

Plaintiff,

-against-

EMC MORTGAGE CORPORATION,

Defendant.

Civ. Action No. 09 CV 3106 (PAC)

~~PROPOSED~~ AMENDED  
SCHEDULING ORDER

PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

It is hereby ORDERED that the dates in the above-captioned proceeding set forth in the May 5, 2009 Civil Case Management Plan and Scheduling Order, the Amended Schedule Order dated January 19, 2010, the Amended Scheduling Order dated March 23, 2010, the Amended Scheduling Order dated September 13, 2010, the Amended Scheduling Order dated April 18, 2011, the Amended Scheduling Order dated January 17, 2012, the Amended Scheduling Order dated March 14, 2012, and the Amended Schedule Order dated May 7, 2012, have been adjourned as follows:

1. All fact depositions and fact discovery must be completed by July 13, 2012, except that borrower discovery may continue until 90 days prior to trial.
2. Requests to Admit must be served by July 27, 2012.
3. The designation of expert testimony and disclosure of expert reports as to any issue on which a party has the burden of proof ("Opening Reports") must be made by October 12, 2012.
4. All expert reports responsive to Opening Reports ("Opposition Reports") must be disclosed by November 26, 2012.

5. By December 21, 2012, the opening parties must disclose any reply reports rebutting specific material in the Opposition Reports ("Rebuttal Reports").
6. All expert discovery, including depositions, must be completed by February 8, 2013.
7. All motions for summary judgment must be served by March 29, 2013.
8. All oppositions to summary judgment must be served by May 3, 2013.
9. All reply briefs in support of summary judgment must be served by May 31, 2013.
10. The parties will submit a joint pretrial order on June 28, 2013.
11. Trial shall begin no earlier than August 9, 2013.

Dated: New York, New York  
May 30, 2012

SO ORDERED:



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PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

## Patterson Belknap Webb & Tyler LLP

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May 25, 2012

**By E-Mail**

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The Honorable Paul A. Crotty  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: Syncora Guarantee Inc. v. EMC Mortgage Corporation**  
**Index No. 09 CV 3106 (PAC)**

Dear Judge Crotty:

We represent Plaintiff Syncora Guarantee Inc. ("Syncora") in the above-referenced action, and we write on behalf of both parties. The parties have conferred and agreed upon a proposed revised case management schedule, subject to Your Honor's approval, as set forth in the enclosed Proposed Amended Scheduling Order.

The parties jointly request a seven-week extension of the fact discovery deadline to July 13, 2012. The parties require the extension to complete third-party discovery (including several depositions of third-party witnesses and resolution of outstanding discovery disputes), and to resolve any outstanding party discovery issues with respect to, among other things, the parties' respective 30(b)(6) testimony and privilege logs. In particular, the parties are conferring about an alternative procedure for obtaining 30(b)(6) testimony in lieu of depositions that includes designation of prior testimony and documents, along with narrowed written follow-up questioning. That procedure will necessarily require some time to complete, necessitating the requested seven-week extension.

Respectfully submitted,



Philip R. Forlenza  
Patterson Belknap Webb & Tyler LLP  
*Attorneys for Plaintiff Syncora Guarantee Inc.*

cc: Robert Sacks, Esq.  
Eric N. Whitney, Esq.